*HON'BLE SRI JUSTICE L.NARASIMHA REDDY

+WRIT PETITION No.18299 OF 2005

% 5th September 2005

Kottapati Jayachandra Reddy & 3 others

…Petitioners

And

$ The Depot Manager, APSRTC, Kadiri Depot, Kadiri,

Anantapur District & 2 others.

…Respondents

! Counsel for the petitioner : Mr.S.Surender Kumar

^ Counsel for respondents : Mr. P.Vinayaka Swamy, Standing Counsel

< Gist:

> Head Note:

? Cases referred:

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.18299 OF 2005

Dated 5th September 2005

Between:

Kottapati Jayachandra Reddy S/o.Venkata Ramana Reddy,

Aged 44 years, Occu:Conductor,

E.No.400297, R/o.D.No.1-1132-17E, Adapala Street,

Santoshnagar, Kadiri village & Mandal, Anantapur Dist.

…Petitioner

And

The Depot Manager, APSRTC, Kadiri Depot, Kadiri,

Anantapur District & 2 others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.18299 OF 2005

O R D E R:

The petitioner is working as a conductor in Hindupur depot of APSRTC. Disciplinary proceedings were initiated against him, alleging certain irregularities, in the mater of issuance of tickets. On the basis of the report submitted by the enquiry officer, a show-cause notice, dated 1.7.1999, was issued. In this, the punishment of

stoppage of annual increment, for a period of two years, with cumulative effect, was straight away imposed, and explanation was sought from the petitioner, as to why the period of suspension shall not be treated, as not on duty. The petitioner submitted his explanation on 9.7.1999. The explanation was not accepted, and the period of suspension was treated, as not on duty. The petitioner preferred an appeal, before the Divisional Manager, Hindupur, the second respondent. The appeal was rejected on 5.4.2002. Review filed before the Regional Manager, Anantapur, the third respondent, was also rejected on 25.3.2003. Hence, this writ petition.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

The first respondent followed a peculiar procedure, in the disciplinary proceedings initiated, against the petitioner. An enquiry was conducted, and on the basis of the report submitted by the enquiry officer, the first respondent has, straight away, inflicted the punishment of stoppage of annual increment, for two years, with cumulative effect. However, he has chosen to issue a show-cause notice, in relation to the period of suspension. On considering the explanation submitted by the petitioner, the first respondent treated the period of suspension, as not on duty. The appeal and review filed by the petitioner were rejected. Therefore, it clearly emerges that the punishment of stoppage of increment, with cumulative effect, was inflicted on the petitioner, without issuing any show-cause notice, after the departmental enquiry was conducted. When the first respondent himself recognized the necessity to issue a show-cause notice, as to how the period of suspension must be treated, as not on duty, he ought to have followed the same procedure, before inflicting the punishment of stoppage of increment, that too, with cumulative effect.

Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, up to the

date of this order, on account of the modification of the punishment.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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5th September 2005

Note: L.R.copies be marked.

(B/o)

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